APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/751,038	12/29/2000	Blair E. Nygren	019143.0333	7735

5073 7590 09/15/2005		**EXAMINER**
BAKER BOTTS L.L.P.		VAN HANDEL, MICHAEL P
2001 ROSS AVENUE		

ART UNIT	PAPER NUMBER
2617	

SUITE 600
DALLAS, TX 75201-2980

DATE MAILED: 09/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	09/751,038	NYGREN ET AL.
	Examiner	Art Unit	
	Michael Van Handel	2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-39* is/are pending in the application.

     4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-6, 8-19, 21-32, 34-39* is/are rejected.

7)☒ Claim(s) *7, 20, 33* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

     a)☐ All   b)☐ Some * c)☐ None of:

       1.☐ Certified copies of the priority documents have been received.

       2.☐ Certified copies of the priority documents have been received in Application No. _____.

       3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

     * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
     Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
     Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

DETAILED ACTION

Allowable Subject Matter

1.   Claims **7, 20, 33** are objected to as being dependent upon a rejected base claim, but

would be allowable if rewritten in independent form including all of the limitations of the base

claim and any intervening claims.

Claim Rejections - 35 USC § 102

1.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2.   Claims **1-6, 8-19, 21-32, 34-39** are rejected under 35 U.S.C. 102(e) as being anticipated

by Salesky et al.

Referring to claims **1, 14,** and **27**, Salesky et al. discloses a method/client/system for

recording a video session, comprising:

- determining the processing capacity of the client (col. 2, l. 66-67)(col. 3, l. 1-11)(col.

4, l. 19-27)(col. 10, l. 31-38)(col. 13, l. 56-67)(col. 14, l. 1-6)(col. 31, l. 7-11)(Fig. 1);

- establishing a recording interval in response to the determined processing capacity,

the recording interval indicating a time between a first recording time and a second

recording time (the examiner notes that "snap-shots" of the screen image are taken

periodically according to available computing and networking capacity)(col. 7, l. 35-

53)(col. 9, l. 64-67)(col. 10, l. 1-5, 8-18, 31-38)(col. 12, l. 10-33)(col. 13, l. 3-9, 27-33);

- recording a first video frame at the first recording time, the first video frame including first video data; recording a second video frame at the second recording time, the second video frame including second video data ("snap-shots" mentioned above); and

- generating a video sub-frame comprising the second video data that is different from the first video data (col. 7, l. 35-53)(col. 10, l. 8-18)(col. 12, l. 17-33)(Figs. 4D, 4E).

Referring to claims **2, 15**, and **28**, Salesky et al. discloses the method/client/system of claims 1, 14, and 27, respectively, further comprising communicating the first video frame and the video sub-frame to a video server coupled to the client (col. 9, l. 64-67)(col. 10, l. 1-24)(col. 12, l. 18-33, 63-67)(col. 13, l. 1-9)(Figs. 4D, 4E).

Referring to claims **3, 16**, and **29**, Salesky et al. discloses the method/client/system of claims 1, 14, and 27, respectively, wherein the video sub-frame comprises a first video sub-frame and the recording interval further indicating the time between the second recording time and a third recording time (the examiner notes that the "snap-shots" are taken periodically. Thus, the recording interval indicates the period between any frame and its subsequent frame), the method further comprising:

- recording a third video frame at the third recording time, the third video frame including third video data (col. 13, l. 45-55); and

- generating a second video sub-frame (delta) comprising the third video data that is different from the second video data (The examiner notes that the "snap-shots" are

taken and analyzed periodically. Thus, the cited method is performed on any given frame and its subsequent frame)(col. 7, l. 35-53)(col. 10, l. 8-18)(col. 12, l. 17-33)(Figs. 4D, 4E).

Referring to claims **4, 17,** and **30,** Salesky et al. discloses the method/client/system of claims 1, 14, and 27, respectively, wherein the first video frame comprises a first key frame and the video sub-frame comprises a first video sub-frame, the method further comprising:

- determining the network capacity of a communication path that couples the client to a video server (col. 4, l. 19-27)(col. 8, l. 3-8)(col. 10, l. 31-38)(col. 13, l. 27-33, 56-67)(col. 14, l. 1-6);

- establishing a key frame (set of base blocks) interval in response to the determined network capacity, the key frame interval indicating a time between the first recording time associated with the first key frame and a third recording time associated with a second key frame;

- recording a third video frame at the third recording time, the third video frame comprising the second key frame and including third video data (col. 10, l. 8-18, 31-38)(col. 12, l. 17-28);

- recording a fourth video frame at a fourth recording time, the fourth video frame including fourth video data;

- generating a second video sub-frame comprising the fourth video data that is different from the third video data (The examiner notes that the "snap-shots" are taken and analyzed periodically. Thus, the cited method is performed on any given frame and

its subsequent frame)(col. 7, l. 35-53)(col. 10, l. 8-18)(col. 12, l. 17-33)(Figs. 4D,

4E); and

- communicating the first key frame, the first video sub-frame, the second key frame,

and the second video sub-frame to the video server (col. 9, l. 64-67)(col. 10, l. 1-

24)(col. 12, l. 18-33, 63-67)(col. 13, l. 1-9)(Figs. 4D, 4E).

Referring to claims **5, 18,** and **31,** Salesky et al. discloses the method/client/system of

claims 1, 14, and 27, respectively, wherein:

- the first video data comprises a plurality of video pixels arranged in a plurality of

rows and a plurality of columns; and

- the second video data comprises a corresponding plurality of video pixels arranged in

a corresponding plurality of rows and a corresponding plurality of columns (col. 9, l.

13-30)(col. 10, l. 54-67)(col. 11, l. 1-11)(col. 13, l. 14-18)(Figs. 4A-4E, 5, 6A, 6B,

7A, 7B).

Referring to claims **6, 19,** and **32,** Salesky et al. discloses the method/client/system of

claims 5, 18, and 32, respectively, wherein the step of generating the video sub-frame comprises:

- sequentially comparing each row of video pixels associated with the second video

data with a corresponding row of video pixels associated with the first video data

until identifying a row of video pixels where the second video data is different from

the first video data; and

- sequentially comparing each column of video pixels associated with the second video

data with a corresponding column of video pixels associated with the first video data

until identifying a column of video pixels where the second video data is different

from the first video data (col. 10, l. 8-18)(col. 12, l. 34-67)(col. 13, l. 1-2, 27-43)(Figs. 4A-4E).

Referring to claims **8, 21**, and **34**, Salesky et al. discloses the method/client/system of claims 1, 16, and 27, respectively, further comprising determining the available processing resources of the client and wherein the step of generating a video sub-frame comprises generating a video sub-frame if the available processing resources of the client exceeds a predetermined threshold (col. 13, l. 56-67)(col. 14, l. 1-30).

Referring to claims **9, 22**, and **35**, Salensky et al. discloses the method/client/system of claims 3, 16, and 29, respectively, wherein:

- the step of recording the first video frame comprises storing the first video frame in a queue at the client;

- the step of recording the second video frame comprises storing the second video frame in the queue;

- the step of recording the third video frame comprises storing the third video frame in the queue (the examiner notes that every "snap-shot" must be stored in a queue prior to sending)(col. 7, l. 35-53)(col. 8, l. 3-8)(col. 13, l. 44-67)(col. 14, l. 1-38, 45-46)(col. 15, l. 55-67)(col. 16, l. 1-3)(Fig. 5);

- the method further comprising:

  o determining the available memory resources of the client;

  o removing a selected one of the second video frame or the third video frame from the queue if the available memory resources of the client fall below a

predetermined threshold (col. 10, l. 31-38)(col. 13, l. 44-67)(col. 14, l. 1-22)(col. 21, l. 55-62).

Referring to claims **10, 23**, and **36**, Salesky et al. discloses the method/client/system of claims 3, 16, and 29, respectively, wherein the step of recording the first video frame comprises storing the first video frame in a queue at the client, and the step of recording the second video frame comprises storing the second video frame in the queue, the method further comprising:

- removing the first video frame from the queue upon generating the first video subframe; and

- removing the second video frame from the queue upon generating the second video sub-frame (the examiner notes that Salesky et al. discloses maintaining a copy of the last capture to allow the presenter to generate delta blocks. Upon generating the first or second video sub-frame, the first or second video frame, respectively, would no longer be that maintained last capture)(col. 7, l. 35-53)(col. 12, l. 17-34).

Referring to claims **11, 24**, and **37**, Salesky et al. discloses the method/client/system of claims 4, 17, and 30, respectively, further comprising compressing the first key frame, the first video sub-frame, the second key frame, and the second video sub-frame prior to the step of communicating (the examiner notes that Salesky et al. discloses compressing blocks prior to sending and a pipeline of four or more images)(col. 7, l. 35-53)(col. 13, l. 45-55)(col. 15, l. 55-57).

Referring to claims **12, 25**, and **38**, Salesky et al. discloses the method/client/system of claims 2, 15, and 28, respectively, wherein the step of communicating comprises:

- communicating a first video segment comprising the first video data; and

- communicating a second video segment comprising the video sub-frame (col. 10, l. 8-18).

Referring to claims **13, 26,** and **39,** Salesky et al. discloses the method/client/system of claims 1, 14, and 27, respectively, wherein:

- the first video data comprises the video activity of the client for a first interval of time; and

- the second video data comprises the video activity of the client for a second interval of time (the examiner notes that the snapshot is inherently composed of the video activity of the client for an interval of time).

Conclusion

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Ravenscroft et al. discloses a monitoring system that monitors calling activity within a call center.

Kuhn discloses a method and apparatus for assisting supervisors of a call center.

Beckett, II et al. discloses a computer screen and voice monitoring system.

Brady discloses a system and method for voice recording.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Van Handel whose telephone number is 571.272.5968. The examiner can normally be reached on Monday-Friday, 8:00am-5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Kelley can be reached on 571.272.7331. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Michael Van Handel
Examiner
Art Unit 2617

MVH

CHRIS KELLEY
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600